

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL COLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	4:07CV3197
	)	
ROBERT HOUSTON,	)	
	)	PRISONER PAYMENT ORDER
Respondent.	)	

Petitioner has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, an application to proceed in forma pauperis, and a copy of his institutional trust account statement. After reviewing the statement, I find that petitioner's average monthly income, as reflected in the trust account statement is \$76.38.

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. 28 U.S.C. § 1914(a). However, pursuant to 28 U.S.C. § 1915(a)(1)-(2), and after considering the petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and the petitioner is relieved from paying the fee at this time.

IT IS ORDERED:

The application to proceed in forma pauperis (filing 2) is provisionally granted and the petitioner will not be required to pay the \$5.00 fee at this time.

DATED this 27th day of August, 2007.

BY THE COURT:

s/ Warren K. Urbom  
United States Senior District Judge